

BRENNEKE DECLARATION
EXHIBIT C



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December 13, 2019

Sent via E-Mail

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RE: *Washington v. The GEO Group, Inc.*, 17-cv-05806-RJB
Post-Mandamus Production of Financial Information

Dear Counsel,

Thank you for the post-Mandamus production of Defendant The GEO Group's Amended Responses to Plaintiff State of Washington's Second Set of Interrogatories and Requests for Production, together with the financial documents and information you provided in GEO's PROD017. We are writing because there remain significant gaps in the production between what you were ordered to produce and what we received.

First, GEO produced a number of responsive documents as difficult to read reports in PDF format, where the underlying data appears to be derived from Excel databases. *See* GEO-State 299184 to GEO-State 299193. Some of these also are summary compilations of many years of data. We request that GEO complete its production and: 1) produce these documents in their

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native format (with designations as to their corresponding PDFs); and 2) produce all documents and native format files used to derive the summary information. This includes, for example, the annual underlying Facility Budget spreadsheets and database files that were used for the summaries on GEO-State 299184 and the annual underlying Facility Financial spreadsheets and database files that were used for the summaries on GEO-State 229185. In addition to our written discovery, we had asked that GEO produce the information (budget spreadsheets, revenue and cost data) used to compile the consolidated financial statement produced in the CR 30(b)(6) deposition on finances. *See* Exhibit 252. We presume these documents are related to that request, but if there are others, we reiterate our need for those, as well. According to the production document standards provided to GEO by Washington as part of the written discovery in this case, “[e]lectronic files must be produced in their native format ... [f]or example, an MS Excel file must be produced in an MS Excel file rather than an image of a spreadsheet.”

Second, the document produced as GEO-State 299194 is missing data from 2005 – September 2009. Please provide it in the appropriate format or explain why GEO is unable to do so. If GEO paid detainee workers from 2005 – September 2009, but did not seek reimbursement from ICE during this period, please produce a separate chart with the totals of detainee worker compensation for each of these months.

Third, GEO has produced a number of native format detainee payroll files from the Keefe database by month, as requested. However, in our review of the production, we appear to be missing substantial periods of native format payroll data. For example, we have every month from February 2016 – September 2019. We are missing the following native format detainee payroll files: all of 2005 – 2012, February 2013, April-September 2013, April and June of 2014, March and August of 2015, January of 2016. We also will need October – December of 2019 when it is available. Please produce complete data from 2005 to present. If you are unable to do so, please explain why data from those periods are missing. Finally, we previously requested that you produce the unredacted letter, as well as the financial documents underlying GEO’s request to ICE for adjustment, in which GEO calculated the amount it would be obligated to pay detainees if it honored Washington’s Minimum Wage Act. GEO’s production fails to include that calculation or the unredacted letter to ICE that has the amount in it. Please produce these.

We request that you confirm, in writing, that you are able to produce the above documents and information as soon as possible, and no later than December 23, 2019. If you are unable to meet this timeline, we request a conference to meet and confer on the afternoon of Tuesday, December 17, 2019 at 2:00 pm so that we can bring these matters to the Court for its intervention.

Thank you for your immediate attention to these matters. Please do not hesitate to contact us with any questions.

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Very truly yours,

A handwritten signature in blue ink that reads "Andrea Brenneke". The signature is written in a cursive, flowing style.

ANDREA BRENNEKE
Assistant Attorney General